



3 in case

PATENT

Customer Number: 22,852  
Attorney Docket No. 04853.0079-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Kazunari TAIRA et al. ) Group Art Unit: 1645  
Application No.: 09/974,974 ) Examiner: Not Yet Assigned  
Filed: October 12, 2001 )  
For: NUCLEIC ACID ENZYMES )  
ACQUIRING AN ACTIVITY )  
FOR CLEAVING A TARGET )  
RNA BY RECOGNIZING )  
ANOTHER MOLECULE )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

The document listed on the attached Form PTO 1449 was first cited in a communication from the Japan Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date printed on that communication.

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A copy of the listed document is enclosed. Applicants respectfully request that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

As the listed document is not in English, a written English translation of the relevant portion of the listed document as provided to the undersigned by the Applicants is also enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claim in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the claimed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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Dated: October 28, 2003

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## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	04853.0079-00000	Appln. No.	09/974,974	OCT 29 2003
Applicant	Kazunari TAIRA et al.			TRADE & TRADEMARK OFFICE
Filing Date	October 12, 2001	Group:	1645	

**U.S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

OTHER DOCUMENTS (including Author, Title, Date, etc.)	
	Taira, Kazunari, "Functional Nucleic Acid Rybozyme Having Sensor Function," <i>Pharmacia</i> , 36(2):121-126 (2000), in Japanese, as well as an English language translation as provided by Applicants.

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	